

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/665,670  
Inventor(s) : Focht et al.  
Filed : September 18, 2003  
Art Unit : 1611  
Examiner : Lakshmi Sarada Channavajjala  
Docket No. : 9042M  
Confirmation No. : 8580  
Customer No. : 27752  
Title : Striped Liquid Personal Cleansing Compositions  
Containing A Cleansing Phase And A Separate Benefit  
Phase Application No.

**APPEAL BRIEF**

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P. O. Box 1450  
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This is the Appellant's Brief relating to an appeal of the July 23, 2008 Final Rejection in the above-identified Application. The Notice of Appeal was electronically filed on January 23, 2009.

**REAL PARTY IN INTEREST**

The real party in interest is The Procter & Gamble Company of Cincinnati, Ohio.

**RELATED APPEALS AND INTERFERENCES**

There are no known related appeals, interferences, or judicial proceedings.

**STATUS OF CLAIMS**

Claims 1, 2, 4, 5, 7-14, and 19-29 are pending.

Claims 1, 2, 4, 5, 7-14 and 19-29 are finally rejected under 35 U.S.C. §103(a), as being allegedly unpatentable over Chambers (U.S. Patent No. 5,612,307, hereinafter

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referred to as "Chambers") in view of Hayward (U.S. Patent No. 6,534,456 hereinafter referred to as "Hayward").

Claims 10-13 are finally rejected under 35 U.S.C. §103(a), as being allegedly unpatentable over Chambers in view of Hayward in view of Frantz et al. (U.S. Patent Pub. No. 2003/0180246 hereinafter referred to as "Frantz").

The final rejection of claims 1, 2, 4, 5, 7-14, and 19-29 is being appealed. A complete copy of the appealed claims is set forth in the Claims Appendix attached herein.

#### STATUS OF AMENDMENTS

An amendment to the claims was filed and entered on April 5, 2007 with a response to Non-Final Office Action (mailed January 17, 2007). An amendment to the claims was filed and entered on September 27, 2007 with a Request for Continued Examination in response to a Final Office Action (mailed July 5, 2007). An amendment to the claims was filed and entered on April 28, 2008 with a Response to a Non-Final Office Action (mailed December 26, 2007). No amendments to the instant claims have been filed by the Appellant subsequent to the appealed-from Final Office Action (mailed July 23, 2008). Moreover, no amendments to the instant claims have been filed by the Appellant subsequent to the receipt of the subsequent Advisory Action (mailed on February 26, 2009).

#### SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 is directed to a personal cleansing article comprising a package containing a striped personal cleansing composition. (*See* Specification, page 3, lines 14-16; page 23, lines 29-33, page 27, lines 19-21, page 28, lines 14-17 and page 29, lines 24-26). The striped personal cleansing composition comprises a first stripe comprising a cleansing phase and at least one additional stripe comprising a substantially anhydrous benefit phase. (*See* Specification, page 3, lines 21-24 and page 13, line 21). The cleansing phase comprises a surfactant and water. (*See* Specification, page 2, lines 24-25). The anhydrous benefit phase comprises at least about 20%, by weight of said benefit

phase, of a hydrophobic material having a solubility parameter of from about 5 to about 15 (cal/cm<sup>3</sup>).<sup>0.5</sup> (See Specification, page 13, line 20 to page 14, line 12). The benefit phase has a Consistency value of from about 1 to about 10,000 poise. (See Specification, page 14, lines 14-18). The striped personal cleansing composition is in a form selected from the group consisting of liquid, semi-liquid, cream, lotion, gel, and mixtures thereof. (See Specification, page 4, lines 32-35). The cleansing phase and the benefit phase are in physical contact within the package. (See Specification, page 1, lines 12-14 and page 2, lines 9-16).

Claim 2 is directed to a personal cleansing article comprising a package containing a striped personal cleansing composition. (See Specification, page 3, lines 14-16; page 23, lines 29-33; page 27, lines 19-21; page 28, lines 14-17 and page 29, lines 24-26). The striped personal cleansing composition comprises a first stripe comprising a cleansing phase and at least one additional stripe comprising a substantially anhydrous benefit phase. (See Specification, page 2, lines 24-25; page 3, lines 21-24 and page 13, line 21). The cleansing phase comprises from about 1% to about 50%, by weight of the cleansing phase, of a surfactant selected from the group consisting of anionic surfactant, non-ionic surfactant, zwitterionic surfactant, cationic surfactant, soap, and mixtures thereof. (See Specification, page 5, lines 6-14). The cleansing phase is non-Newtonian shear thinning, has a viscosity of equal to or greater than about 3,000 centipoise and a yield point of at least about 0.1 Pascal. (See Specification, page 5, lines 13-14). The substantially anhydrous benefit phase comprises from about 20% to about 100%, by weight of the benefit phase, of a hydrophobic material selected from the group consisting of hydrocarbons, oils, waxes, silicones, fatty acid derivatives, cholesterol, cholesterol derivatives, diglycerides, triglycerides, vegetable oils, vegetable oil derivatives, acetoglyceride esters, alkyl esters, alkenyl esters, lanolin, lanolin derivatives, wax esters, beeswax derivatives, sterols, phospholipids, and mixtures thereof. (See Specification, page 13, lines 20-23 and page 15, lines 26-30). The hydrophobic benefit agent has a Vaughan Solubility Parameter of from about 5 to about 15 (cal/cm<sup>3</sup>).<sup>0.5</sup> (See Specification, page 13, line 20 to page 14, line 12). The ratio between the cleansing phase and the

benefit phase is from about 1:9 to about 99:1. (*See* Specification, page 3, lines 8-9). The cleansing phase and benefit phase are packaged in physical contact within said package while remaining stable at ambient for 180 days. (*See* Specification, page 3, lines 9-11 and page 3, lines 32-34). The cleansing phase and benefit phase are present as stripes wherein the stripe size is at least about 0.1 mm in width and at least about 1 mm in length. (*See* Specification, page 3, lines 11-13). The striped personal cleansing composition is in a form selected from the group consisting of liquid, semi-liquid, cream, lotion, gel, and mixtures thereof. (*See* Specification, page 4, lines 32-35).

Claim 28 is directed to a personal cleansing article comprising a package containing a striped personal cleansing composition. (*See* Specification, page 3, lines 14-16; page 23, lines 29-33; page 27, lines 19-21; page 28, lines 14-17 and page 29, lines 24-26). The striped personal cleansing composition comprises a first stripe comprising a cleansing phase and at least one additional stripe comprising a benefit phase. (*See* Specification, page 3, lines 21-24 and page 13, line 21). The cleansing phase comprises a surfactant and water. (*See* Specification, page 2, lines 24-25). The benefit phase comprises at least about 20%, by weight of the benefit phase, of a hydrophobic material having a solubility parameter of from about 5 to about 15 (cal/cm<sup>3</sup>).<sup>0.5</sup> (*See* Specification, page 13, line 20 to page 14, line 12). The benefit phase has a Consistency value of from about 1 to about 10,000 poise. (*See* Specification, page 14, lines 14-18). The benefit phase is substantially free of surfactant. (*See* Specification, page 32, lines 3-4). The striped personal cleansing composition is in a form selected from the group consisting of liquid, semi-liquid, cream, lotion, gel, and mixtures thereof. (*See* Specification, page 4, lines 32-35). The cleansing phase and the benefit phase are in physical contact within the package. (*See* Specification, page 1, lines 12-14 and page 2, lines 9-16).

Claim 29 is directed to a personal cleansing article comprising a package containing a striped personal cleansing composition. (*See* Specification, page 3, lines 14-16; page 23, lines 29-33; page 27, lines 19-21; page 28, lines 14-17 and page 29, lines 24-26). The striped personal cleansing composition comprises a first stripe comprising a cleansing phase and at least one additional stripe comprising a substantially anhydrous

benefit phase. (See Specification, page 3, lines 21-24 and page 13, line 21). The cleansing phase comprises at least one anionic surfactant, at least one electrolyte, and at least one amphoteric surfactant. (See Specification, page 5, lines 10-11). The substantially anhydrous benefit phase comprises from about 20% to about 100%, by weight of the benefit phase, of a hydrophobic material selected from the group consisting of hydrocarbons, oils, waxes, silicones, fatty acid derivatives, cholesterol, cholesterol derivatives, diglycerides, triglycerides, vegetable oils, vegetable oil derivatives, acetoglyceride esters, alkyl esters, alkenyl esters, lanolin, lanolin derivatives, wax esters, beeswax derivatives, sterols, phospholipids, and mixtures thereof. (See Specification, page 13, lines 20-23 and page 15, lines 26-30). The benefit phase is substantially free of surfactant. (See Specification, page 32, lines 3-4). The hydrophobic benefit agent has a Vaughan Solubility Parameter of from about 5 to about 15 (cal/cm<sup>3</sup>).<sup>0.5</sup> (See Specification, page 13, line 20 to page 14, line 12). The ratio between the cleansing phase and the benefit phase is from about 1:9 to about 99:1. (See Specification, page 3, lines 8-9). The cleansing phase and benefit phase are packaged in physical contact. (See Specification, page 1, lines 12-14 and page 2, lines 9-16). The striped personal cleansing composition is in a form selected from the group consisting of liquid, semi-liquid, cream, lotion, gel, and mixtures thereof. (See Specification, page 4, lines 32-35).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- (A) Whether claims 1, 2, 4, 5, 7-14 and 19-29 are allegedly unpatentable under 35 U.S.C. §103(a) over Chambers in view of Hayward.
- (B) Whether claims 10-13 are allegedly unpatentable under 35 U.S.C. §103(a) over Chambers in view of Hayward in view of Frantz.

### ARGUMENTS

(A) Claims 1, 2, 4, 5, 7-14 and 19-29 are non-obvious under 35 U.S.C. §103(a) over Chambers in view of Hayward.

The Appellant respectfully submits that the appealed-from Final Office Action fails to establish that the combination of Chambers in view of Hayward is sufficient to render claims 1, 2, 4, 5, 7-14 and 19-29 obvious under 35 U.S.C. §103(a).

The Final Office Action states that Chambers discloses an aqueous composition that comprises a cleansing portion and a moisturizing portion, but Chambers fails to teach physical contact between the two phases. (*See* Office Action, pages 2-3). The Final Office Action states that the lamellar phase and isotropic phase compositions of Hayward are in physical contact within a single, partionless container. (*See* Office Action, page 3). The Final Office Action states that Hayward teaches that the components can be packaged without barriers when the viscosities of the two phases are compatible. (*See* Office Action, pages 3-4). The Final Office Action states that the rheological behavior of the cleansing surfactants depends on the microstructure of the surfactants. (*See* Office Action, page 4). The Final Office Action states that Hayward suggests ways to control the flow properties of both phases so as to be able to pump the compositions together. (*See* Office Action, page 4). The Final Office Action states that it would have been obvious to one of an ordinary skill in the art at time of the instant invention to optimize the rheological properties of the phases and thus, extrude them together as stripes and still be able to maintain the viscosity. (*See* Office Action, page 4).

According to MPEP §2143.01, when a combination of references is used to support a rationale of obviousness, the combination of references cannot (1) change the principle of operation of the primary reference or (2) render the prior art unsatisfactory for its intended purpose. As to the change of principle of operation, the MPEP states that “[i]f the proposed modification or combination would change the principle of operation of the prior art invention being modified, then the teachings of the reference are not sufficient to render the claims *prima facie obvious*.” MPEP §2143.01 VI citing *In re Ratti*, 270 F.2d 810, 123 U.S.P.Q. 349 (C.C.P.A. 1959). As to rendering the prior art

unsatisfactory, the MPEP also states that “[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, there is no suggestion or motivation to make the proposed modification.” MPEP §2143.01 V citing *In re Gordon*, 733 F.2d 900, 221 U.S.Q.P. 1125 (Fed. Cir. 1984).

i. The principle of operation of Chambers would be modified in view of Hayward.

First, the Appellant respectfully submits that the combination of Chambers in view of Hayward is not sufficient to render the claims prima facie obvious because the principle of operation of Chambers would need to be modified in order to combine Chambers with Hayward. In Chambers, the benefit agent and the base formulation (which comprises surface active agents) are physically separate. (See Chambers, column 12, lines 1-4). Chambers clearly teaches “the surface active agent and benefit agent are separated in the composition, i.e. they do not directly contact one another in the composition.” Chambers, column 1, lines 63-65. Moreover, Chambers teaches that the surface active and benefit agent active are dispensed in a predetermined ratio to achieve the effect desired. (See Chambers, column 2, lines 4-11). Chambers states that:

[t]he surface active agent and the benefit agent are dispensable from a single packaging means in a predetermined ratio according to the use for which the composition is intended. An advantage of dispensing the surface active agent and the benefit agent in combination is that it avoids the inconvenience of having to post mix the two components. This is particularly advantageous when the separate components of a composition need to be mixed in precise ratios in order to achieve the desired effect. Chambers, column 2, lines 4-11 (emphasis added).

Conversely, Hayward teaches that both the lamellar and isotropic compositions are contained within a single partionless container and these compositions are not dispensed separately in a predetermined ratio to have a desired effect. Hayward states that “[s]queezing a flexible container holding the inventive product [by] a single pump, or the like, is preferably used to dispense the product.” Hayward, column 4, lines 26-28. In fact, Hayward states that an “advantage of the inventive product is the fact that separate lamellar and isotropic compositions having specific functions, e.g. cleansing and

moisturizing the skin may be simultaneously dispensed in a partitionless container.”  
Hayward, column 4, lines 34-37 (emphasis added).

Modifying Chambers by placing the compositions in a partitionless package in view of Hayward would change the principle of operation of Chambers. This modification would not allow the compositions of Chambers to be dispensed separately in a predetermined and precise ratio which achieves the desired effect of the invention. (See Chambers, column 2, lines 4-11). Because the principle of operation of Chambers would be changed, the combination of references is not sufficient to render the claims obvious. (See MPEP §2143.01 VI).

ii. There is no motivation to modify Chambers in view of Hayward

Second, the Appellant respectfully submits that there is no motivation to modify Chambers with Hayward because the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose. Chambers warns that the separation of the surfactant and benefit phase “avoids adverse interactions which may occur between these two components and resulting in ineffective deposition of the benefit agent.” Chambers, column 1, lines 65-67. Because Chambers alleges that “ineffective deposition of benefit agent” would result when the compositions were placed in physical contact, as in the partitionless container of Hayward, this modification would render the compositions unsatisfactory for their intended purpose. Thus, the modification of Chambers by Hayward is not suggested by the prior art. (See MPEP §2143.01 V).

(B) Claims 10-13 are non-obvious under 35 U.S.C. §103(a) over Chambers in view of Hayward in view of Frantz.

The Appellant respectfully submits that the appealed-from Final Office Action fails to establish that the combination of Chambers in view of Hayward in view of Frantz is sufficient to render claims 10-13 obvious under 35 U.S.C. §103(a).

The Final Office Action states that Frantz teaches a stable surfactant composition for suspending components that comprises water, electrolyte and an alkanolamide for imparting a free-flowing non-Newtonian shear thinning property to the composition. (See



Office Action page 5). The Final Office Action concludes that it would have been obvious to one of ordinary skill in the art at the time of the instant invention to employ an alkanolamide, such as in Frantz, in the cleaning phase of Chambers because Frantz suggests that a phase comprising an alkanolamide, in addition to water and electrolyte, imparts a free-flowing and non-Newtonian shear thinning property that suspends benefit agents. (See Office Action page 5).

i. The principle of operation of Chambers would be modified in view of Frantz.

First, the Appellant respectfully submits that the combination of Chambers in view of Frantz is not sufficient to render the claims prima facie obvious because the principle of operation of Chambers would need to be modified in order to combine Chambers with Frantz. As explained above, the benefit agent and the base formulation (which comprises surface active agents) are physically separate in Chambers. (See Chambers, column 12, lines 1-4). Conversely, the surface active agents and benefit agents in Frantz are not physically separated. (See Frantz, page 5 at [0074]). In fact, the surface active agents and benefits agents are physically within the same composition, such that, the surface active agents of Frantz function as delivery systems for the benefit agents. (See Frantz, page 9 at [120] to [122]).

Modifying Chambers by not physically separating the surface active agents and the benefit agents in a partitioned package in view of Frantz would change the principle of operation of Chambers. This modification would not allow the compositions of Chambers to be dispensed separately in a predetermined and precise ratio which achieves the desired effect of the invention. (See Chambers, column 2, lines 4-11). Because the principle of operation of Chambers would be changed, the combination of references is not sufficient to render the claims obvious. (See MPEP §2143.01 VI).

ii. There is no motivation to modify Chambers in view of Frantz

Second, the Appellant respectfully submits that there is no motivation to modify Chambers with Frantz because the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose. Chambers warns that

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the separation of the surfactant and benefit phase “avoids adverse interactions which may occur between these two components and resulting in ineffective deposition of the benefit agent.” Chambers, column 1, lines 65-67. Because Chambers alleges that “ineffective deposition of benefit agent” would result when the compositions were placed in physical contact, as in the compositions of Frantz, this modification would render the compositions unsatisfactory for their intended purpose. Thus, the modification of Chambers by Frantz is not suggested by the prior art. (*See* MPEP §2143.01 V).

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SUMMARY

In view of the foregoing remarks, the Appellant respectfully submits that all claims are allowable. Accordingly, the Appellant respectfully requests reversal of all rejections.

Respectfully submitted,  
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## CLAIMS APPENDIX

1. (Rejected) A personal cleansing article comprising a package containing a striped personal cleansing composition comprising:
  - (a) a first stripe comprising a cleansing phase comprising a surfactant and water; and
  - (b) at least one additional stripe comprising a substantially anhydrous benefit phase comprising at least about 20%, by weight of said benefit phase, of a hydrophobic material having a solubility parameter of from about 5 to about 15 (cal/cm<sup>3</sup>)<sup>0.5</sup>; wherein the benefit phase has a Consistency value of from about 1 to about 10,000 poise;wherein said striped personal cleansing composition is in a form selected from the group consisting of liquid, semi-liquid, cream, lotion, gel, and mixtures thereof; and wherein said cleansing phase and said benefit phase are in physical contact within said package.
2. (Rejected) A personal cleansing article comprising a package containing a striped personal cleansing composition comprising:
  - a) a first stripe comprising a cleansing phase comprising from about 1% to about 50%, by weight of the cleansing phase, of a surfactant selected from the group consisting of anionic surfactant, non-ionic surfactant, zwitterionic surfactant, cationic surfactant, soap, and mixtures thereof;wherein the cleansing phase is non-Newtonian shear thinning, has a viscosity of equal to or greater than about 3,000 centipoise and a yield point of at least about 0.1 Pascal; and
  - b) at least one additional stripe comprising a substantially anhydrous benefit phase comprising from about 20% to about 100%, by weight of the benefit

phase, of a hydrophobic material selected from the group consisting of hydrocarbons, oils, waxes, silicones, fatty acid derivatives, cholesterol, cholesterol derivatives, diglycerides, triglycerides, vegetable oils, vegetable oil derivatives, acetoglyceride esters, alkyl esters, alkenyl esters, lanolin, lanolin derivatives, wax esters, beeswax derivatives, sterols, phospholipids, and mixtures thereof;

wherein the hydrophobic benefit agent has a Vaughan Solubility Parameter of from about 5 to about 15  $(\text{cal}/\text{cm}^3)^{0.5}$ ;

wherein the ratio between the cleansing phase and the benefit phase is from about 1:9 to about 99:1;

wherein the cleansing phase and benefit phase are packaged in physical contact within said package while remaining stable at ambient for 180 days; and

wherein the cleansing phase and benefit phase are present as stripes wherein the stripe size is at least about 0.1 mm in width and at least about 1 mm in length; and

wherein said striped personal cleansing composition is in a form selected from the group consisting of liquid, semi-liquid, cream, lotion, gel, and mixtures thereof.

3. (Canceled)
4. (Rejected) A personal cleansing article according to claim 1, wherein the benefit phase is substantially free of surfactant.
5. (Rejected) A personal cleansing article according to claim 1, wherein the hydrophobic material in the benefit phase has a Vaughan Solubility Parameter of from about 5 to about 10  $(\text{cal}/\text{cm}^3)^{0.5}$ .

6. (Canceled)
7. (Rejected) A personal cleansing article according to claim 1, wherein the benefit phase has a Shear Index of from about 0.1 to about 0.8.
8. (Rejected) A personal cleansing article according to claim 1, wherein the hydrophobic material represents at least about 50% by weight of the benefit phase.
9. (Rejected) A personal cleansing article according to claim 1, wherein at least 20% by weight of the benefit phase is selected from the group consisting of petrolatum, mineral oil, micro-crystalline waxes, paraffins, ozokerite, polyethylene, polybutene, polydecene, perhydrosqualene, dimethicones, cyclomethicones, alkyl siloxanes, polymethylsiloxanes, methylphenylpolysiloxanes, lanolin, lanolin oil, lanolin wax, lanolin alcohols, lanolin fatty acids, isopropyl lanolate, acetylated lanolin, acetylated lanolin alcohols, lanolin alcohol linoleate, lanolin alcohol ricinoleate, castor oil, soy bean oil, sunflower seed oil, maleated soy bean oil, safflower oil, cotton seed oil, corn oil, walnut oil, peanut oil, olive oil, cod liver oil, almond oil, avocado oil, palm oil, sesame oil, and combinations thereof.
10. (Rejected) A personal cleansing article according to claim 1, wherein the cleansing phase comprises:
  - (i) at least one anionic surfactant;
  - (ii) at least one electrolyte; and
  - (iii) at least one alkanolamide;wherein the cleansing phase is non-Newtonian shear thinning, and has a viscosity of equal to or greater than about 3000 centipoise.

11. (Rejected) A personal cleansing article according to claim 10, wherein the cleansing phase comprises from about 3% to about 60%, by weight of said cleansing phase, of total active surfactant.
12. (Rejected) A personal cleansing article according to claim 10, wherein the electrolyte comprises an anion selected from the group consisting of phosphate, chloride, sulfate, citrate, and mixtures thereof; and a cation selected from the group consisting of sodium, ammonium, potassium, magnesium, and mixtures thereof.
13. (Rejected) A personal cleansing article according to claim 10, wherein the electrolyte is present at a level of from about 0.1% to about 15% by weight of the cleansing phase.
14. (Rejected) A personal cleansing article according to claim 1, wherein said personal cleansing composition further comprises a cationic deposition polymer.
15. (Canceled).
16. (Canceled).
17. (Canceled).
18. (Canceled).
19. (Rejected) A method of delivering skin conditioning benefits to the skin or hair, said method comprising the steps of:

- a) dispensing an effective amount of a composition according to Claim 1 onto an implement selected from the group consisting of a cleansing puff, washcloth, sponge and human hand;
  - b) topically applying said composition to the skin or hair using said implement; and
  - c) removing said composition from the skin or hair by rinsing with water.
20. (Rejected) A personal cleansing article according to claim 1, wherein said cleansing phase comprises sodium trideceth sulfate.
21. (Rejected) A personal cleansing article according to claim 1, wherein said cleansing phase comprises sodium lauroamphoacetate.
22. (Rejected) A personal cleansing article according to claim 1, wherein said hydrophobic material is petrolatum.
23. (Rejected) A personal cleansing article according to claim 1, wherein said hydrophobic material is mineral oil.
24. (Rejected) A personal cleansing article according to claim 1, wherein said cleansing phase comprises:
- (i) at least one anionic surfactant;
  - (ii) at least one electrolyte; and
  - (iii) at least one amphoteric surfactant;



wherein the cleansing phase is non-Newtonian shear thinning, and has a viscosity of equal to or greater than about 3000 centipoise.

25. (Rejected) A personal cleansing article according to claim 1, wherein said cleansing phase further comprises a perfume.
26. (Rejected) A personal cleansing article according to claim 1, wherein said cleansing phase further comprises a non-ionic surfactant.
27. (Rejected) A personal cleansing article according to claim 1, wherein said benefit phase comprises petrolatum, mineral oil and a pigment.
28. (Rejected) A personal cleansing article comprising a package containing a striped personal cleansing composition comprising:
  - (a) a first stripe comprising a cleansing phase comprising a surfactant and water; and
  - (b) at least one additional stripe comprising a benefit phase comprising at least about 20%, by weight of said benefit phase, of a hydrophobic material having a solubility parameter of from about 5 to about 15  $(\text{cal}/\text{cm}^3)^{0.5}$ ; wherein the benefit phase has a Consistency value of from about 1 to about 10,000 poise; wherein said benefit phase is substantially free of surfactant;wherein said striped personal cleansing composition is in a form selected from the group consisting of liquid, semi-liquid, cream, lotion, gel, and mixtures thereof; and wherein said cleansing phase and said benefit phase are in physical contact within said package.

29. (Rejected) A personal cleansing article comprising a package containing a striped personal cleansing composition comprising:

(a) a first stripe comprising a cleansing phase comprises:

- (i) at least one anionic surfactant;
- (ii) at least one electrolyte; and
- (iii) at least one amphoteric surfactant;

at least one additional stripe comprising a substantially anhydrous benefit phase comprising from about 20% to about 100%, by weight of the benefit phase, of a hydrophobic material selected from the group consisting of hydrocarbons, oils, waxes, silicones, fatty acid derivatives, cholesterol, cholesterol derivatives, diglycerides, triglycerides, vegetable oils, vegetable oil derivatives, acetoglyceride esters, alkyl esters, alkenyl esters, lanolin, lanolin derivatives, wax esters, beeswax derivatives, sterols, phospholipids, and mixtures thereof; wherein said benefit phase is substantially free of surfactant;

wherein the hydrophobic benefit agent has a Vaughan Solubility Parameter of from about 5 to about 15 (cal/cm<sup>3</sup>)<sup>0.5</sup>;

wherein the ratio between the cleansing phase and the benefit phase is from about 1:9 to about 99:1;

wherein the cleansing phase and benefit phase are packaged in physical contact; and

wherein said striped personal cleansing composition is in a form selected from the group consisting of liquid, semi-liquid, cream, lotion, gel, and mixtures thereof.

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#### EVIDENCE APPENDIX

None

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#### RELATED PROCEEDINGS APPENDIX

None